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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,047

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Brenda J. Brunk

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EXAMINER

BARTOSIK, ANTHONY N

ART UNIT

PAPER NUMBER

3635

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,047

Applicant(s)

BRUNK ET AL.

Examiner

Anthony N. Bartosik

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed September 10, 2007, with respect to claims 16-32 have been fully considered and are persuasive. The rejection of May 10, 2007 has been withdrawn.

Drawings

1. The drawings were received on September 10, 2007. These drawings are accepted.

Specification

2. Corrections to the specification are accepted.
3. The amendment filed September 13, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the addition of language within the claims that is directed to a direct coupling of the fiberboard and veneer. The application as originally filed does not disclose precluding any substance or material from being placed between the fiberboard and veneer except an adhesive.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 is again rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the claim as well as the specification as to how the second veneer slidably connects to the sides of the insulation core. The Examiner further points out that there is no page 16 in the specification, as suggested by Applicant in the Remarks section of their response to the non-final rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6, 8, 9, and 18, 20, 21, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Luetgert et al. (US 2002/0048660 A1) (hereinafter "Luetgert").**

5. In Re claim 1, Luetgert discloses a fiberboard substrate (Figure 2) including wood fiber and a waterproof resin (¶ 7); at least one veneer (10) disposed over a first face of

the fiberboard substrate; and a waterproof adhesive (12, ¶ 34) disposed between the at least one veneer (10) and the fiberboard substrate providing a direct coupling therebetween.

6. In Re claim 2, Luetgert discloses the first face of the fiberboard substrate having a profiled surface (30).

7. In Re claim 3, Luetgert discloses the at least one veneer (10) that is pliable and assumes a profile corresponding to the profiled surface of the fiberboard substrate when disposed over the fiberboard substrate.

8. In Re claim 4, Luetgert discloses a second veneer disposed over a second face of the fiberboard substrate.

9. In Re claim 5, Luetgert discloses the waterproof resin including phenol formaldehyde (¶ 7).

10. In Re claim 6, Luetgert discloses the waterproof resin including methyl diisocyanate.

11. In Re claims 8 and 9, paragraph 34 of Luetgert discloses the waterproof adhesive including polyurethane and urethane.

12. In Re claims 18, 20, 21, and 23-24, the structure of the apparatus renders the claimed method steps inherent since the claimed method steps would inherently be performed when making the panel as disclosed by Luetgert.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luetgert et al. (US 2002/0048660 A1) in view of Rayner (US 2,932,596).**

15. In Re claim 7, Luetgert discloses the claimed invention except for the adhesive being cyanuramide, or better known as melamine. Rayner shows that cyanuramide is an equivalent adhesive known in the art. Therefore, because these two adhesives were art-recognized at the time of the invention was made; one of ordinary skill in the art would have found it obvious to substitute cyanuramide for the adhesives taught by Luetgert.

16. In Re claim 19, the combination renders the method steps obvious since a method of making would be a logical manner of using the combination.

17. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luetgert et al. (US 2002/0048660 A1).

18. In Re claim 22, Luetgert meets the limitations of claim 22 except that it uses a mold to form the profiles rather than milling the face to form the profiles. Since these two elements were art-recognized equivalents and Applicant has not shown a criticality of using a milling process to form the profile, one of ordinary skill would have found it obvious to utilize a milling process to form the profile of the panel.

19. Claims 10, 11, 13, 14, ,15, 17, 26, 27, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,702,054) in view of Luetgert et al. (US 2002/0048660 A1) and Hollman (US 6,487,827 B2).

20. In Re claim 10, Figure 7 of Turner discloses a door including at least one panel cavity; an insulation core (10) disposed within the at least one panel cavity; and at least one panel (20) disposed within the at least one panel cavity and coupled to the door, including

a fiberboard substrate (Col. 2 ln. 29-37) including wood fiber and having at least one profiled face, a first veneer (24a) coupled directly to the at least one profiled face,

wherein the first veneer has a profile corresponding to the at least one profiled face of the fiberboard substrate.

Turner teaches the use of a wood fiberboard substrate, but is silent as to the particulars of the resin used. Paragraph 7 of Luetgert, however, teaches that is well known to use waterproof resins in order to bind the wood fiberboard to make useful products. Furthermore, Luetgert discloses veneer being attached with waterproof adhesive. It therefore, would have been obvious to one skilled in the art at the time of the invention to modify the resin Turner with the waterproof resin binding the fiberboard as taught by Luetgert in order to create a strong bind between the wood fibers.

Regarding the limitations of a second veneer, Turner does not disclose placing a second veneer that is directly coupled to another face of the fiberboard substrate. Holloman teaches that it is well know to place a veneer on a second side of a fiberboard substrate to cover the fiberboard. Additionally, the Applicants have not disclosed that placing a second veneer in the manner in which they have done solves any particular problem in the art or produces any critical results. As such, it would have been obvious to one skilled in the art at the time of the invention to modify Turner by including a second veneer on the fiberboard as taught by Hollman in order to cover the fiberboard.

21. In Re claim 11, Figure 7 of Turner discloses a glazing cap (32) coupled to the door and engaged against the at least one panel.

22. In Re claim 13, combination of Turner, Luetgert, and Holloman teach the second veneer being slidably disposed against the insulation core, such that the second veneer, fiberboard substrate and first veneer are moveable relative to the insulation core.

23. In Re claim 14, the combination of Turner, Luetgert, and Holloman teach a second panel including a second fiberboard substrate including wood fiber and waterproof resin, wherein a third veneer is coupled along at least one surface to a face of the second fiberboard substrate, and a fourth veneer that is coupled along at least one surface to another face of the second fiberboard substrate and the fourth veneer is substantially adjacent to the insulation core.

24. In Re claim 15, Turner discloses at least one bracket coupled to the at least one panel and the second panel. Examiner notes that since Turner discloses a door, which inherently has a bracket in the hinging mechanism of every door. Furthermore, since the bracket required to be attached to the door, the bracket is therefore, coupled to the at least one panel and the second panel through the structure of the door.

25. In Re claim 17, Turner discloses a first veneer that is pliable and assumes the profile corresponding to the profiled face of the fiberboard substrate when disposed over the fiberboard substrate.

26. In Re claims 26, 27, 30, and 32, the combination of Turner, Luetgert, and Holloman renders the claimed method steps obvious since such a method would be a logical manner in making the combination.

27. Claims 12, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,702,054), Luetgert et al. (US 2002/0048660 A1), and Hollman (US 6,487,827 B2) as applied to claims 10-11 above, and in further view of Bawa et al. (US 4,930,276).

28. In Re claim 12, the combination of Turner, Luetgert, and Holloman teach the claimed invention with the exception of a sealant. Col. 2 ln. 32-38 of Bawa et al. teach the use of a sealant in conjunction with a glazing cap in order to create a thermal barrier. It would have been obvious to one skilled in the art at the time of the invention to modify the above combination by include a sealant as taught by Bawa et al. in order to create a thermal barrier.

29. In Re claims 28 and 29, the combination of Turner, Luetgert, Holloman, and Bawa et al. renders the claimed method steps obvious since such a method would be a logical manner in making the combination.

30. Claims 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,702,054), Luetgert et al. (US 2002/0048660 A1), and Hollman (US 6,487,827 B2) as applied to claim 10 above, and in further view of Twigg et al. (US 6,151,849).

31. In Re claim 16, the combination of Turner, Luetgert, and Holloman teach the claimed invention with the exception of at least one glass pane disclose within the door. It is however well know to place glass panes in composite doors as taught by Twigg et al. in order to allow the user to see through the door. It therefore, would have been obvious to one skilled in the art at the time of the invention to substitute the panels from the above combination and replace with a glass pane as taught by Twigg et al. to allow one to see through the door.

32. In Re claim 31, the combination of Turner, Luetgert, Holloman, and Twigg et al. renders the claimed method steps obvious since such a method would be a logical manner in making the combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 571-270-3112. The examiner can normally be reached on M-F 7:30-5:00; E.D.T.

Application/Control Number:
10/809,047
Art Unit: 3635

Page 11

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AB
12/2007

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12/10/07